

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2004-11-04 P 3:47

U.S. DISTRICT COURT
DISTRICT OF MASS.

FREDRICK J. BUSH,

Petitioner

v.

JOSEPH MCDONOUGH,

Respondent.

Civil Action No. 04-12122-JLT

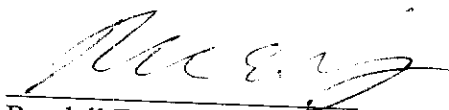
RESPONDENT'S MOTION TO DISMISS

Respondent Joseph McDonough, in his capacity as the Sheriff of Plymouth County, Massachusetts (the "Respondent"), hereby moves this Court to dismiss the petition for a writ of habeas corpus (the "Petition") filed in connection with the above-captioned matter. Petitioner Fredrick J. Bush is statutorily barred from maintaining the instant action, because he has failed to exhaust state remedies. In further support of this Motion, the Respondent relies on and incorporates the Memorandum of Law filed herewith.

WHEREFORE, the Respondent respectfully requests that this Honorable Court dismiss the Petition in its entirety.

Respectfully submitted,

THOMAS F. REILLY
Attorney General



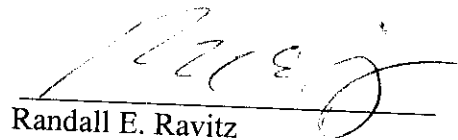
Randall E. Ravitz (BBO # 643381)
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Boston, Massachusetts 02108
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Dated: November 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on November 4, 2004, by first-class mail, postage prepaid, upon the following:

Fredrick J. Bush (pro se)
Plymouth County Correctional Facility
28 Long Pond Road
Plymouth, MA 02360.



Randall E. Ravitz